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ADM Rice, Inc.

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

DURIEL DAVIS ,

Plaintiff,

vs.

ADVANCE SERVICES, INC., a corporation;
ARCHER-DANIELS-MIDLAND CO., a
corporation; ARCHER DANIELS MIDLAND
COMPANY; ADM RICE, INC., a corporation;
ADM MILLING COMPANY, a corporation;
RUSH PERSONNEL SERVICES, INC., a
corporation; JOHNNY BARNETT, an
individual; JANETTE ESCALANTE, an
individual; MATTHEW HOUSE, an
individual; OMAR ROSALES, an individual;
CARLOS GUERRERA, an individual; and
DOES 1 through 100 inclusive,,

Defendant.

Case No. 2:22-cv-0343-DC-JDP

**STIPULATION TO EXTEND
DISCOVERY CUTOFF;
~~PROPOSED~~ ORDER**

Pursuant to this Court's Scheduling Order, Rules 16(b) and Rule 29 of the Federal Rules of Civil Procedure and Rules 143 and 144 of the Local Rules for the United States District Court, Eastern District of California, Plaintiff DURIEL DAVIS and Defendants ARCHER-DANIELS-MIDLAND CO., ARCHER-DANIELS-MIDLAND COMPANY, ADM RICE, INC. and ADM MILLING COMPANY, and CARLOS GUERRERO hereby stipulate, by and through their respective counsel, and agree as follows:

WHEREAS, on October 29, 2024, the Court issued a Scheduling Order for this case wherein the Court ordered that all fact discovery shall be completed no later than April 1, 2025. (Dkt. No. 57);

WHEREAS, given the number of parties and counsel involved in this matter, as well as witness and counsel scheduling conflicts, the parties initially had scheduling challenged calendaring depositions and requested a modification of the Scheduling Order on April 9, 2025. (Dkt. No. 60);

WHEREAS, the April 9, 2025 request is the only prior request to modify the Scheduling Order in this case, which the Court granted on April 10 (Dkt. No. 61). Prior to the request to modify the Scheduling Order, the parties stipulated to extend the time for various Defendants to file a responsive pleading in this case (Dkt. Nos. 5, 8, 19, 24, 27, 29);

WHEREAS, on June 23, 2025, Plaintiff voluntarily dismissed Defendant Advance Services, Inc. (Dkt. 63);

WHEREAS, on June 26, 2025, Plaintiff voluntarily dismissed Defendant Rush Personnel Services, Inc. (Dkt. 64).

WHEREAS, good cause exists for the continuance of the discovery cutoff because the additional time will promote settlement as the remaining parties can re-direct their time and resources towards settlement rather than completion of remaining discovery. After the dismissal of Defendants Advance Services, Inc., and Rush Personnel Services, Inc., the remaining parties re-engaged settlement discussions and reached out to their prior mediator. However, the parties learned that their prior mediator, Judge Perkins, retired from JAMS and joined the judicial

1 Temporary Assigned Judges Program which allows him to return to active status for temporary
2 assignments. Accordingly, Judge Perkins is no longer available to assist with matter and the parties
3 are in the process of selecting a new mediator – while at the same time engaging in direct informal
4 negotiations. A continuance of the discovery cutoff, especially during the pendency of further
5 settlement discussions, would allow further opportunity to locate the two percipient witnesses for
6 deposition, further settlement discussions, and trial preparations, if needed, in this case;

7 WHEREAS, the parties have met and conferred and acted diligently in requesting this
8 extension once it became apparent that further settlement discussions between the remaining parties
9 could be productive, and an additional short continuance of the discovery cutoff would be helpful
10 for both settlement efforts and the case in general;

11 WHEREAS, the parties agree that they will not suffer any prejudice from the delay caused
12 by this extension as a trial date has not yet been ordered by this Court;

13 NOW, THEREFORE, the parties hereby stipulate and agree to request that the October 29,
14 2024, Scheduling Order's (Dkt. No. 57), as modified by this Court's Minute Order issued on April
15 10, 2025 (Dkt. No. 61), date for completing fact discovery (as well as any discovery-related
16 motions) be modified from July 1, 2025 to September 1, 2025, and that all other deadlines and
17 restrictions of the October 29, 2024 Scheduling Order, as modified by Dkt. No. 61, shall remain in
18 effect.

19 **IT IS SO STIPULATED.**
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1 Dated: June 30, 2025

MASTAGNI HOLSTEDT, A.P.C.

2 By: /s/ Grant A. Winter

3 Grant A. Winter

4 Sonia Santos

Attorney for Plaintiff DURIEL

DAVIS

5
6 Dated: June 30, 2025

MORGAN, LEWIS & BOCKIUS LLP

7 By: /s/ Max C. Fischer

8 Max C. Fischer

9 Attorneys for Defendants

10 ARCHER-DANIELS-MIDLAND

CO., ARCHER-DANIELS-

11 MIDLAND COMPANY,

ADM RICE, INC. and

ADM MILLING COMPANY

12
13 Dated: June 30, 2025

APARICIO LAW FIRM

14 By: /s/ Michael A. Aparicio

15 Michael A. Aparicio

16 Attorneys for Defendant


CARLOS GUERRERO

[PROPOSED] ORDER

On June 30, 2025, the parties filed a Stipulation (Dkt. No. 65) to modify the Scheduling Order to continue the fact discovery deadlines by approximately 60 days, from July 1, 2025, to September 1, 2025. Having considered the parties' Stipulation and the facts supporting their request, the Court finds good cause to MODIFY the Scheduling Order as follows: fact discovery (and any discovery-related motions) shall be completed by 9/1/2025. All other deadlines remain unchanged.

IT IS SO ORDERED.

Dated: July 7, 2025


JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE